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Chairman : Mr. Simon (Vice-Chairman) ..... (Hungary)
Later : Mr. Bennouna ..... (Morocco)

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In the absence of Mr. Bennouna (Morocco), Mr. Simon (Hungary), Vice-Chairman, took the chair.

The meeting was called to order at 10:00 a.m.

Agenda item 147: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization *(continued)* (A/59/33)

1. **Mr. Popkov** (Belarus) was concerned that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization was losing momentum in its efforts to identify ways of strengthening the role of the Organization, at a time when it faced new challenges and new tasks in the areas of peace and security, peaceful settlement of disputes and, in general, the whole question of the rule of law. The Special Committee was one of the oldest legal bodies established by the General Assembly and throughout its existence it had collaborated closely in initiatives aimed at strengthening the work of the United Nations. But the Committee now faced an important pending issue: how to streamline its work and improve its effectiveness. Belarus welcomed the efforts of the countries that had submitted the working paper on improvement of the Committee's working methods, and it was confident that Member States would participate more actively in the debate on that topic. However, Belarus would only be able to support measures intended to streamline the work of the Special Committee if they clearly set the priorities for the Committee and did not in any way jeopardize its current mandate or the right of Member States to submit proposals.

2. The delegation of Belarus believed that the next session of the Special Committee should strive to reach agreement on the working papers relating to sanctions, in particular the "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures". To that end, his delegation urged Member States to be flexible and to demonstrate political will. Emphasizing the importance of the working paper submitted by Belarus and the Russian Federation on the use of force under the Charter of the United Nations, which recommended that an advisory opinion be sought from the International Court of Justice, he said that, given the challenges of the world today, the outcome would be crucial, inasmuch as it would give all States a common interpretation of the provisions of the Charter and the application of the provisions relating to the use of armed force to resolve crisis situations.

3. The delegation of Belarus wished to draw attention to the functions of the Security Council under Chapter VI of the Charter of the United Nations on peaceful settlement of disputes. The measures provided for therein should be considered as possible alternatives to the application of sanctions.

4. Finally, the delegation of Belarus supported the proposal to preserve the institutional memory of the United Nations through continued publication of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. As for the financial resources for publication of the latter, Belarus favoured the creation of a trust fund.

5. **Mr. Belinga-Eboutou** (Cameroon) said that the Special Committee had contributed enormously to international peace and security and that, thanks to its work, the General Assembly had been able to adopt fundamental instruments that could be considered cornerstones in the construction of world peace, including the 1982 Manila Declaration on the Peaceful Settlement of International Disputes and the 1994 Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies.

6. The maintenance of international peace and security was a critical issue, as it was the very reason for which the United Nations had been created. The Security Council, which had primary responsibility in that area, had at its disposal a great variety of measures provided under the Charter, from peaceful settlement to preventive and enforcement measures. The latter measures, which were generally termed "sanctions", were intended chiefly to induce a change in the behaviour or policies of the State concerned. But in practice, the use of sanctions entailed a series of problems with regard to their effects, duration and lifting. As concerned the effects, it was obvious that sanctions could have negative repercussions on civilian populations, and their introduction and implementation therefore required great prudence. Since 1997, the Security Council had increasingly used targeted

sanctions and had tried to minimize the adverse effects on local populations who relied on trade and other types of interaction with the targeted parties. In addition to civilian populations, affected third States also had to be taken into consideration. In that connection, Cameroon supported the conclusions of the ad hoc expert group convened by the Secretary-General to assess the consequences of sanctions for third States and believed that all possible assistance should be provided to such States. It therefore continued to advocate the effective application of Article 50 of the Charter and the creation of a special assistance fund for third States affected by sanctions.

7. During the years that Cameroon had chaired the informal Security Council Working Group on General Issues on Sanctions, it had gained an understanding of the profound differences of opinion on the sanctions regime. He believed that there should be continued reflection and debate on the various proposals submitted to the Committee on the subject. Account should also be taken of the contribution of other mechanisms outside the United Nations system, such as the Interlaken, Bonn-Berlin and Stockholm processes.

8. Finally, the delegation of Cameroon believed that peaceful settlement of disputes should be encouraged and, with a view to securing political solutions, the capacity of the United Nations in the area of preventive diplomacy should be strengthened. At the same time, special importance should be accorded to peaceful settlement of disputes by regional entities and enforcement of their decisions.

9. **Mr. Amayo** (Kenya) said that those who had participated in the last session of the Special Committee had observed that very little progress had been achieved on the matters before it. Many delegations had reiterated positions stated at previous sessions and no substantive or conclusive discussions had been held on the various proposals, which constituted a setback to the current efforts to revitalize the General Assembly and its various committees. The Special Committee currently had before it issues that were critical to the maintenance of international peace and security, and those issues merited objective discussions. However, more often than not, countries' positions were informed by a desire to protect their political convictions, not strengthen the role of the United Nations. Kenya appealed to all to lift their political veils and critically examine the substance of the various proposals before the Committee.

10. The question of the implementation of the Charter provisions relating to assistance to third States affected by sanctions had been on the Committee's agenda for several years. The Committee should urgently explore ways and means of alleviating the adverse effects of sanctions on third States and their civilian populations. Although other organs of the United Nations were also examining the matter, nothing precluded the Special Committee from discussing it, as its work would complement the efforts of the other bodies. Kenya therefore supported the proposal put forward by the Russian Federation regarding the "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures".

11. As concerned the maintenance of international peace and security, although the Special Committee on Peacekeeping Operations had undertaken a lot of work aimed at streamlining peacekeeping operations, there was still no solid legal framework to govern such operations that adhered strictly to the purposes of the United Nations and the principles of the Charter. Kenya believed that the initiative towards developing such a framework offered a good starting point.

12. The Special Committee had a special role to play in the reorganization and revitalization of the General Assembly and should be receptive to all proposals aimed at enhancing and strengthening the role of the United Nations and the provisions of the Charter, working together with other United Nations organs. The Committee had before it numerous proposals in that regard, and Kenya appealed for flexibility to permit some progress on those matters during future sessions.

Mr. Bennouna (Morocco) took the Chair.

13. **Mr. Chentsov** (Ukraine) noted that the last session of the Special Committee had continued to pay particular attention to the question of its working methods. Although no consensus had been reached, the very consideration of the Committee's working methods had improved its work, and it was therefore important to continue those efforts in order to achieve further practical results.

14. In recent years, issues relating to sanctions had been the focus of attention for Member States and for

various United Nations organs within their respective mandates. That work had yielded some visible improvements in Security Council policy in that area. The delegation of Ukraine wished to underline the importance of early agreement on the outcome of the Security Council Working Group on sanctions.

15. The delegation of Ukraine also supported the continuation of the work within the Special Committee on the question of basic conditions and criteria for imposing and implementing sanctions and other coercive measures in order to achieve a fruitful outcome in the near future. The sanctions implementation procedure needed to be further improved in order to increase the effectiveness and flexibility of sanctions regimes. The imposition of sanctions required timely coordination of conditions and mechanisms for their revocation and the possibility for their gradual mitigation. Sanctions should not result in destabilization of the economic situation in the target country or in third States. Formulation of additional recommendations on the principles for implementation of sanctions would be of great help to the Security Council.

16. The question of implementation of the Charter provisions concerning assistance to third States affected by sanctions remained a priority item on the Special Committee's agenda. The report prepared by the ad hoc group established by the Secretary-General in 1998 and the work undertaken in various other forums provided a sufficient basis for reaching an agreement within the General Assembly on the practical implementation of Article 50 and other provisions of the Charter pertaining to the question of assistance in the implementation of sanctions. The Special Committee should therefore continue to accord priority to its work on the item.

17. **Mr. Hahn** (Republic of Korea), referring to the working methods of the Special Committee, hoped that the revised working paper submitted by Japan and co-sponsored by his country would make it easier to reach a consensus in order to make the work of the Committee more relevant and efficient.

18. On the issue of the United Nations Command on the Korean Peninsula, he noted that on 18 November 1975 the General Assembly had adopted two resolutions on the question of Korea, resolutions 3390 (XXX) A and 3390 (XXX) B, which had to be looked at together in order to have a complete picture of the situation. In any case, it was not the right time and place to discuss the status of the United Nations Command, which could only be decided in tandem with the replacement of the Military Armistice Agreement with a peace agreement. In the meantime, for the sake of peace on the Korean Peninsula, the United Nations Command had an important role to play by ensuring that the integrity of the Armistice Agreement was not violated.

19. **Mr. Haj-Ibrahim** (Syrian Arab Republic) expressed concern over the fact that the practice of imposing sanctions was now more prevalent than ever and that the sanctions imposed had less and less credibility, particularly when the recourse to sanctions and the use of force occurred without the authorization of the Security Council, which set a dangerous precedent in international relations. In accordance with Chapter VII of the Charter of the United Nations, recourse to sanctions was permissible only when there was a clear violation of the Charter and of international law constituting a threat to international peace and security, and then only after all other means of settlement referred to in that Chapter had been exhausted. Additionally, it was a requirement to endeavour to prevent the sanctions from having adverse effects not only on the target country but also on third States. When imposing sanctions, the Security Council should assess the short- and long-term impact and bear in mind that the sanctions should not punish the population. Sanctions should be targeted, and the conditions to be met by the target State for them to be lifted should be clearly stipulated. They should also be in conformity with the Charter of the United Nations and their duration should be specified. The sanctions should be lifted as soon as the threat to international peace and security ceased to exist. In addition, the harm that sanctions could cause to third States should not be underestimated, because otherwise the very idea behind those measures would be undermined and a legal basis would be established whereby affected third countries would be entitled to seek compensation for damages suffered. In that regard, the revised working paper submitted by the Russian Federation, entitled "Declaration on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures", was of great importance and should be taken into account in the future work of the Committee on the topic.

20. The Syrian Arab Republic supported the working paper submitted by Cuba and urged other delegations to consider the principal scenarios portrayed during the discussion of that document, which examined the role played by the General Assembly and the Security Council in the area of maintenance of international peace and security and the clear and precise definition of that role in the Charter. His delegation believed that the Special Committee was the appropriate forum for consideration of that topic and that it was not duplicating the work of other bodies. It also supported the proposal submitted by the Libyan Arab Jamahiriya with a view to strengthening the role of the United Nations in the maintenance of international peace and security and the revised working paper submitted by Belarus and the Russian Federation, which recommended that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the use of force by States without prior authorization from the Security Council, except in the exercise of the right to self-defence.

21. Regarding the Trusteeship Council, the Syrian Arab Republic was of the opinion that it should not be abolished, as its existence did not entail any financial implications for the Organization. Moreover, modifying its functions would necessitate an amendment to the Charter of the United Nations.

22. As for the Special Committee, the Syrian Arab Republic considered that it had an obligation to continue working on the items included on its agenda and that it should go on holding regular sessions until it had completed its examination of all those items. With regard to the proposal submitted by Japan, his delegation hoped that the Committee would give it the attention that it deserved.

23. **Mr. Medrek** (Morocco) said that it was unfortunate that, after 29 years of existence, the Committee had made little progress in its work, despite the efforts made, although that did not detract from its importance or from the importance of the mandate entrusted to the Committee by the General Assembly. Indeed, the Committee remained a body that could make a valuable contribution to the legal exposition of numerous provisions of the Charter and thereby also contribute to the process of United Nations reform.

24. Regarding the implementation of the Charter provisions concerning assistance to third States affected by sanctions, although Morocco considered the imposition of sanctions under Chapter VII to be necessary, such sanctions should be an extreme measure, adopted as a last resort. They should be imposed with the greatest prudence, after all peaceful means of settling disputes had been exhausted, in order to avoid their having effects that were contrary to the objectives pursued or harmful consequences for either the target State or third States. Although the purpose of sanctions was, in principle, to bring about a change in the behaviour of recalcitrant States, in fact they affected innocent civilians and caused economic destabilization in the target State and in third States. The Security Council should assess the negative impact of sanctions and provide assistance to third States affected by them. Morocco believed that the working paper submitted by the Russian Federation provided a useful basis for discussion by the Committee. In addition, it reflected the essential provisions of the proposal submitted by the Libyan Arab Jamahiriya on strengthening of certain principles concerning the impact and application of sanctions.

25. As to the future of the Trusteeship Council, Morocco believed that the question should be examined in the framework of overall reform of the Organization. It would be premature to take any decision at the current stage, although the functions assigned to that principal organ of the Organization should be reviewed.

26. Regarding the working methods of the Special Committee, Morocco welcomed the proposal submitted by the delegations of Japan, Korea, Thailand and Uganda, which generally reflected the concerns and expectations of various delegations. The measures proposed therein might well help to improve the working methods of the Committee and enhance its efficiency.

27. On the question of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, Morocco welcomed the efforts of the Secretary-General to reduce the backlog in their publication. It was also pleased with the initiative to post the Repertoire on the Internet, as that would reduce the backlog and enable users to have rapid access to existing volumes and studies. The two publications were an essential instrument for States in interpreting the Charter, and they provided a documented account of the application and interpretation of the Charter in practice. Given the broad support expressed during previous sessions of

the Sixth Committee and the Special Committee for both the Repertory and the Repertoire, Morocco reiterated its support for their continued publication and for the creation of a trust fund financed by voluntary contributions for the preparation, updating and publication of the Repertory of Practice of United Nations Organs, similar to the fund that already existed for the Repertoire of the Practice of the Security Council.

28. **Mr. Karna** (Nepal) recognized that the Special Committee had made progress in its work; however, that progress had been rather slow, and there was a need to give greater impetus and continuity to the Committee's activities. Although there were divergent opinions among delegations, the work of the Committee on the question of implementation of the Charter provisions concerning assistance to third States affected by sanctions was noteworthy and should continue.

29. With regard to sanctions, an extreme measure which should be imposed only as a last resort, Nepal believed that they should be targeted and aimed at effecting change in the behaviour of parties that were threatening international peace and security. They should not punish innocent populations or destabilize third States. Particular attention should be paid to minimizing their humanitarian consequences for the most vulnerable groups. Nevertheless, even targeted sanctions had detrimental impacts for people and third States that they were not intended to affect. Nepal therefore supported the establishment of mechanisms and procedures to implement the Charter provisions relating to sanctions and to mitigate their negative impacts on affected third States.

30. The proposal to appoint a special representative and send fact-finding missions to explore means of assistance to third States affected by sanctions deserved consideration, although such missions should be sent only with the consent of the Member States concerned. Nepal believed that an agreed methodology should be adopted to assess the adverse effects of sanctions, including "smart" sanctions such as arms embargoes, asset freezes and travel restrictions. His delegation also supported the creation of a voluntary fund to provide practical relief to mitigate the adverse effects of sanctions. As for the revised working paper submitted by the Russian Federation concerning standard criteria for the introduction of sanctions and other coercive measures, Nepal believed that it provided a good basis for discussion of the matter. The Security Council should submit a report on sanctions regimes to the General Assembly, as stipulated in Article 24 of the Charter of the United Nations. At the same time, the Assembly and the Economic and Social Council should carry out their roles in assessing the impact of sanctions on third States and taking remedial measures.

31. As concerned the Trusteeship Council, Nepal's view was that it should not be abolished, but that it should be given a new role in the light of the overall reform of the United Nations. The methods of work and reform of the Security Council should also be considered with a view to making more efficient use of resources.

32. Nepal supported the effort to avoid duplication of work among the various bodies of the United Nations. In that connection, the Special Committee should explore new forms of partnership to ensure greater cooperation among the principal organs of the Organization.

33. **Mr. Al Aladhami** (Iraq), referring to the revised proposal of the Russian Federation relating to the criteria for the implementation of sanctions, expressed the view that its paragraphs 13 and 14 made a distinction between human rights and humanitarian law which it considered pointless. It also considered that paragraphs 10 and 20 of the document, relating to evaluation of the humanitarian consequences, were redundant.

34. The issue of the Trusteeship Committee was a question which should be studied in the overall context of the reform of the Organization.

35. The delegation of Iraq welcomed the actions taken by the Secretary-General to reduce the backlog in the publication of the Repertory of Practice of United Nations Organs and therefore supported the proposal to set up a special trust fund to pay for its publication.

36. **Mr. Kanu** (Sierra Leone) said that his delegation attached top priority to the implementation of the Charter provisions relating to assistance to third States affected by sanctions. In its view, establishing meaningful criteria and procedures would have the effect of minimizing the negative effects of sanctions on third States and would also contribute to their effectiveness. Such effectiveness depended on the unreserved cooperation of third States. Sierra Leone

had always advocated an in-depth discussion of possible measures to mitigate the adverse impact of sanctions on third States, with special attention to needs created by exceptional and unanticipated circumstances, such as emergencies and natural disasters. His delegation was very concerned over the use of sanctions to achieve political objectives. Consequently, it was favourably disposed to the proposal that resolutions of the Security Council on sanctions should be debated by the General Assembly and should be subject to its approval. It therefore hoped that close attention would be given to the proposals of Cuba, the Libyan Arab Jamahiriya, Japan and the Russian Federation.

37. With regard to the Trusteeship Council, his delegation's position was unchanged: it supported retention, but perhaps with a new mandate.

38. With respect to the publication of the Repertory of Practice of United Nations Organs, his delegation welcomed the efforts of the Secretary-General to reduce the backlog and supported the recommendation in paragraph 111 of the Special Committee's report.

39. With relation to the peaceful settlement of disputes, he drew the attention of the Committee to Germany's "Justice Rapid Response" initiative, which had gained support from many other countries, including Sierra Leone, and suggested that it could be submitted to the Committee as a new topic for serious consideration.

40. **Mr. Wali** (Nigeria) said that his delegation considered sanctions as a severe punitive measure which should be applied cautiously, and only as the last resort when all other means of peaceful settlement of disputes had been exhausted. Sanctions should be tailored to specific situations, should have defined goals and should be terminated as soon as such goals were achieved. Thus, they needed to be reviewed periodically in order to mitigate their unintended negative impact on the civilian population, especially women and children, and on third States. To that end, it was necessary to create mechanisms for the provision of humanitarian relief in such situations. In that context, Nigeria supported the efforts to mobilize the United Nations system, international financial institutions, regional organizations and Member States, to address more specifically and directly the special economic problems of third States affected by sanctions. Nigeria endorsed the call for constructive dialogue with such States, including regular and frequent meetings, as well as special meetings between the affected third States and the donor community, with the participation of the United Nations agencies and other international bodies, to address the problem. In that connection, it supported the adoption of practical measures such as the granting of commercial exemptions or concessions or special or preferential treatment to affected third States or their suppliers.

41. The delegation of Nigeria urged all States to reaffirm the principle that the recourse to dispute settlement mechanisms required the consent of the parties to the dispute. Nigeria would continue to abide by that principle, cognizant that it was a sure basis for the efficacy of regional and sub-regional peace initiatives. Nigeria commended the Security Council, the Economic and Social Committee and other organs of the United Nations for their various fact-finding and peace missions to Africa in particular. The collaborative efforts of the United Nations with the African Union and other members of the international community would facilitate better understanding of the root causes of conflicts and identification of lasting solutions.

42. As concerned proposals to abolish or change the status of the Trusteeship Council, Nigeria considered that idea to be premature. What was required was a comprehensive study of how to re-channel the resources of the Council to other areas based on agreed priorities of the Organization. The assignment of new roles to the Council should be carried out within the context of the overall reform of the United Nations and the amendment of its Charter.

43. The Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council definitely remained invaluable sources of information on the application and interpretation of the Charter of the United Nations and the work of the Organization. To ensure that the publication of the Repertory of Practice of United Nations Organs was not disrupted by financial constraints, Nigeria endorsed the recommendation for the establishment of a trust fund.

44. In conclusion, the Nigerian delegation reiterated the need for the working methods of the Special Committee to be streamlined. The Committee should focus on fewer topics and avoid dissipating its resources on matters already being considered by other

United Nations bodies. Thus, Nigeria also supported a cutoff mechanism to prevent unnecessary discussion, year after year, of proposals which should be considered only biennially or triennially.

45. **Mr. Musambachime** (Zambia) stated that his delegation had a particular interest in the work done on the effective use of sanctions as a means of maintaining international peace and security and on minimizing the adverse effects of sanctions on innocent populations and third parties, who were normally those who suffered the consequences of the imposition of such sanctions. The delegation of Zambia joined others in recommending that sanctions should be clearly defined and targeted and should not be viewed as a punishment, but as a deterrent. It further recommended that the Committee should explore practical mechanisms for alleviating the negative effects of sanctions on vulnerable groups.

46. With regard to the proposals concerning the Trusteeship Council, Zambia endorsed the view of the Secretary-General that all possible options on the status of the Council needed to be examined attentively and in the light of the new areas of responsibility given to the United Nations in recent years.

47. The delegation of Zambia also fully supported the proposals made by the delegation of Japan, with co-sponsorship by the Republic of Korea, Thailand, Uganda and Australia, on the improvement of the working methods of the Special Committee, and suggested that the Committee should set realistic targets for its work.

48. In conclusion, the delegation of Zambia welcomed the recommendations of the Special Committee regarding the continued publication of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council.

49. **Mr. Chidyausiku** (Zimbabwe), referring to chapter III of the Special Committee's report, said that his delegation attached great importance to the issue of the negative impact of sanctions on third States affected by them. The item had been on the agenda of the United Nations, and in particular the Sixth Committee, for a very long time and yet no serious effort had been made to address the genuine concerns of the affected third States. The impact of Security Council decisions could be disastrous for countries immediately bordering the target State. The Security Council was keenly aware of the consequences of its decisions, but there appeared to be little effort on its part to resolve that issue. It appeared reasonable to the delegation of Zimbabwe that, if the Security Council could not take measures to alleviate those consequences, it should grant a State so affected a derogation or exemption from complying with the sanctions. In that regard, Zimbabwe endorsed the proposal by India that a funding mechanism should be established to assist affected States. Such an approach would enhance the legitimacy and effectiveness of Security Council decisions.

50. Every year, delegations took the floor to repeat the same proposals. The delegation of Zimbabwe felt strongly that the deliberations and recommendations of the Special Committee should be accorded the respect and importance they deserved, since it was the body mandated to examine the Organization's fundamental document. In the past, it had received less recognition than it deserved.

51. Zimbabwe's call for account to be taken of the concerns of third States was based on the provisions of Article 50 of the Charter, which enjoined any third State "which finds itself confronted with special economic problems arising from the carrying out of those measures" to seek redress from the Security Council. It was regrettable that the response of the Security Council had not been consistent with the provisions of the Charter. In general, requests by third States seeking relief were dismissed with unacceptable excuses. For example, the Sanctions Committee could forbid the export of a given product from a third State by alleging that it had dual military and civilian use. The behaviour of some influential members of the Security Council could only be described as unfortunate and regrettable. Experience had shown that hopes were being mistakenly placed in a small group of countries that did not have the least concern for the plight of civilian populations and third States.

52. The delegation of Zimbabwe proposed that the Committee should send a strong message to the Security Council regarding its obligations under Article 50 and further proposed that the Security Council should inform the General Assembly, through its special and annual reports, on the measures taken to relieve the suffering of innocent civilians and third States adversely affected by sanctions.

53. The revised working paper submitted by the Russian Federation entitled "Declaration on the basic

conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures" deserved serious consideration even though it was silent on the issue of illegal and unilateral sanctions imposed outside the authority of the United Nations by powerful countries in clear violation of the Charter of the United Nations. Such illegal sanctions should elicit the immediate attention of the Security Council, and in that regard, the delegation of Zimbabwe endorsed the remarks made by the Netherlands on behalf of the European Union in which it welcomed the recourse to targeted sanctions, which preserved the effectiveness of sanctions while minimizing their negative impact.

54. Unilateral and illegal sanctions outside the authority of the United Nations should be considered a serious threat to international peace and security. Zimbabwe, like Cuba and other States, had been the target of this type of sanctions imposed by a few powerful countries, the actions of which were inconsistent with the spirit and the letter of the Charter of the United Nations, undermined the authority of the Organization and needed to be addressed by the Special Committee.

55. **Mr. Abdallah** (Sudan) said that the reasons for imposing sanctions had become distorted and that sanctions had become a way to make threats, which made it necessary to establish ethical and legal limits on their introduction and implementation. Recourse to that type of measure should be strictly limited, and they should be used only when all other means had been exhausted and when it had not been possible to obtain the cooperation of Governments. The present system lacked a long-term view, was not effective and did not meet the ultimate goal of changing the behaviour of States; sanctions simply destroyed the economic and social fabric of countries and had become instruments of unjustified destruction and punishment. It was necessary to establish strict legal bases which were in accordance with the actual needs and with the provisions of the Charter, ensuring that sanctions were not used to promote any country's specific objectives and establishing guarantees to avoid their negatively impacting innocent persons and third States.

56. **Mr. Hmoud** (Jordan) welcomed the working paper submitted by the Russian Federation on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures and hoped for the adoption as soon as possible of a declaration on the topic which would enjoy the consensus of the international community. According to Article 39 of the Charter, it was for the Security Council to determine whether the necessary conditions were extant for imposition of sanctions and to decide on the form in which they would be implemented. Sanctions imposed without observing that procedure would be illegal. Additionally, there was a need to establish clear mechanisms to ensure that they were not used as an instrument of vengeance and to ensure that they did not negatively affect civilian populations or third States, with respect in all cases for human rights and with periodic reviews, so that the sanctions could be lifted as soon as the legitimate objective which had motivated their imposition should have been achieved. While the provisions of Article 50 of the Charter had not been used in the past as frequently as should have been the case, it was essential that sanctions should be applied in an effective manner so as to avoid harm to third States. Jordan welcomed the working document submitted by Japan relating to the working methods of the Special Committee and hoped that it would facilitate the presentation of new proposals, making it possible to make progress in that area.

57. With respect to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, Jordan considered them to be very useful and hoped that the Secretary-General would continue to publish them and would make further progress in reducing the backlog, making use of all available resources.

58. **Mr. Hafrad** (Algeria) took the view that the Sixth Committee should continue examining the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions, and regretted that the report of the ad hoc expert group had not been examined with care, more than five years after its publication.

59. With regard to the imposition of sanctions, Algeria considered that they were exceptional measures which should be used solely as a last resort, in conformity with the Charter of the United Nations and the rules of international law and with authorization by the Security Council. Consequently, Algeria endorsed the working paper submitted by the Russian Federation on the basic conditions and standard criteria for the introduction and implementation of sanctions and other

coercive measures which incorporated two of the principles stated in the Libyan Arab Jamahiriya's document on the strengthening of some principles relating to the effects and application of sanctions.

60. In the view of the delegation of Algeria, it was essential to create a legal regime applicable to peacekeeping operations under Chapter IV of the United Nations Charter, and it consequently endorsed the Russian Federation's document on fundamental elements of the legal principles applicable to such peacekeeping operations, considering that the Special Committee should examine the legal aspects of such operations.

61. With regard to the strengthening of the role of the organization, the General Assembly should reassume its role as the principal deliberative, legislative and representative organ of the United Nations. Algeria thus considered that the proposals of Cuba and the Libyan Arab Jamahiriya on strengthening the role of the Organization should be taken into account in the process of United Nations reform.

62. With regard to the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence, Algeria supported the proposal from the Russian Federation and Belarus that an advisory opinion should be sought from the International Court of Justice on the legal consequences of such action. With regard to the Trusteeship Council, there were still divergent views, and in consequence it would be premature to adopt a final decision at the present. With regard to the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, Algeria stressed the usefulness of those publications, which preserved the institutional memory of the Organization, and regretted that there was still a significant backlog, especially with regard to specific articles of the Charter covering the functions and powers of the Security Council. In addition, Algeria was concerned that for the financial year 2004-2005 there had not yet been any budgetary allocation for the Repertory of Practice of United Nations Organs, and supported the creation of a special fund to finance its preparation, updating and publication.

63. **Mr. Boon Pracong** (Thailand) said that mandatory sanctions, which had a firm basis in the Charter of the United Nations, were a useful mechanism for preserving international peace and security, although to the extent possible they should be imposed with due care to avoid negative material and financial consequences for third States. Accordingly, the delegation of Thailand supported the efforts of the Special Committee to prepare an acceptable set of basic conditions and criteria for the introduction and implementation of sanctions and other coercive measures. As concerned the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, Thailand supported the Secretary-General's efforts to continue their publication, given their usefulness as sources of information on the application of the Charter and as a repository of the institutional memory of the United Nations. The publications were particularly important for the interpretation and application of the articles of the Charter that defined the constitutional powers of the Security Council. In consequence, Thailand welcomed the initiative to establish a trust fund for the publication of the Repertory of Practice of United Nations Organs, similar to the one already in existence for the publication of the Repertoire of the Practice of the Security Council. The delegation of Thailand valued the work of the Special Committee, particularly the contribution it had already made in the field of peaceful settlement of disputes. It also believed that there was still room for the efficiency of the Committee to be enhanced. Thailand had therefore co-sponsored the revised working paper presented by Japan and aimed at improving the working methods of the Committee, and hoped that other Members of the United Nations would also give favorable consideration to it in order to allow the Special Committee to reach its full potential in its deliberations, which would in turn help to strengthen the role of the Organization.

64. **Ms. Willson** (United States of America) expressed gratitude for the condolences on the death of Mr. Robert Rosenstock, whose work in support of the Special Committee and of the United Nations in general had been invaluable.

65. **Mr. Ri** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the United Nations Command in South Korea was an illegal body created in violation of the Charter of the United Nations. The United Nations should rectify the situation in Korea. The Sixth Committee's examination of the Special Committee's report also served the purpose of correcting errors and strengthening the United Nations. For that reason, his delegation hoped

that South Korea would adopt an independent stance and bring about the withdrawal of the United States troops who were misusing the name of the United Nations, and pursue joint intra-Korean cooperation in conformity with the North-South Joint Declaration of 15 June.

66. **Mr. Hahn** (Republic of Korea), speaking in exercise of the right of reply, said that the United Nations Command in Korea was not illegal, having been established by Security Council resolutions 84 and 88, which had been adopted in conformity with established legal procedures. However, the present was neither the time nor the place to discuss the nature of the United Nations Command.

The meeting rose at 12.10 p.m.